

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 08-639

Appellant(s): Michael Morizio

vz. Appellee(s): City/Town of Boston
Gary Moccia

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 103.0 and 1028.3, for 18 Brimmer Street, Boston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 2, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

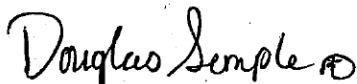
The Appellant, an attorney, appeared for the hearing representing his client, the owner of the building, Hicham Ali Hassan. Gary Moccia and John Downey of Boston ISD were present as well.

Discussion

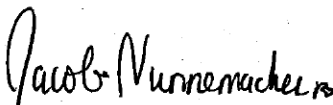
After much testimony on the recent construction history of this building, a motion was made to deny the Appellant's request for a variance from 780 CMR 103.0 and 1028.3 and require that the owner obtain a report from a registered professional engineer which indicates the fire escape cited in violation no. V001076-2008 filed at Boston ISD on June 19, 2008, complies with 780 CMR. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

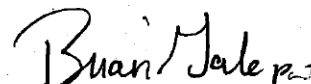
The Appellant's request for a variance from 780 CMR 103.0 and 1028.3, is hereby denied and so ordered² on this date: October 2, 2008.



Douglas Semple



Jacob Nunnemacher



Brian Gale

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.